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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,515	03/20/2001	Michael A. Angiulo	MICR0202	3251
27792	7590	02/06/2004	EXAMINER	
			DETWILER, BRIAN J	
		ART UNIT		PAPER NUMBER
		2173		
DATE MAILED: 02/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/813,515	ANGIULO ET AL.	
	Examiner	Art Unit	
	Brian J Detwiler	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13,15-29,31-45 and 47-49 is/are rejected.
- 7) Claim(s) 14,30 and 46 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 6, 15-20, 22, 31-36, 38, and 47-49 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by “Arles Image Web Page Creator” (hereinafter Arles).

Referring to claims 1, 18, and 34, the Arles reference discloses on page 5 a web page creation system and method in which users can select a plurality of original images to be represented as thumbnails on a web page. The reference further discloses that templates can be used for total control over the design of generated pages. In other words, the selected template determines the position of each thumbnail image. On page 7, the Arles reference discloses several sample implementations of the invention in which hyperlinks are automatically provided from each thumbnail image to each corresponding original image in the web page. These sample implementations further teach enabling the user to save the generated web pages and publish them on the Internet.

Referring to claims 2-4, 19, 20, 35, and 36, the Arles reference teaches on page 7 that users can create and save their own templates for defining formats for displaying the plurality of thumbnail images. Users can subsequently select from among the template files and generate

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web pages with the corresponding formats. The Arles reference further teaches at the bottom of page 7 that one of the plurality of templates can be a montage template.

Referring to claims 6, 22, and 38, the Arles reference discloses on page 11, in the screenshot entitled “Thumbnail options”, that a default height and width is employed for each thumbnail image. While the paper version may be difficult to see, the digital version reveals that the default height and width are both set to 100 pixels.

Referring to claims 15, 31, and 47, the Arles reference discloses on page 5 selecting a plurality of images to be represented as thumbnails from a source folder, which is a type of storage.

Referring to claims 16, 17, 32, 33, 48, and 49, the Arles reference discloses on page 7 in the “Multiple galleries example” that a user can link thumbnail web pages together with the aid of a navigation bar.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-9, 21, 23-25, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Arles Image Web Page Creator” as applied to claims 1, 18, and 34 above, and further in view of U.S. Patent No. 6,675,354 (Claussen et al).

Referring to claims 5, 7-9, 21, 23-25, 37, and 39-41, the Arles reference discloses on page 5 that the software “creates high quality thumbnails, modifies images and automatically creates HTML pages.” The screenshots on page 7 illustrate some examples of the automatically created HTML pages. These screenshots includes both thumbnail data and hyperlink data. Accordingly, the data used to create these pages must inherently include thumbnail data and hyperlink data. The thumbnail data, furthermore, must include height and width attributes so as to maintain the uniform shapes that are illustrated. In the “Basic Example” on page 7, the thumbnails are each shown with captions. In at least one instance then, the data used to create the HTML pages must therefore include caption elements. The Arles reference, however, fails to disclose using the extensible stylesheet language (XSL) to generate said HTML pages. Claussen, though, explains in column 2: lines 2-8 that XSL is a well-known technology for generating and serving dynamic web page content. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XSL as taught by Claussen to generate the HTML pages from the Arles reference. Claussen explains in column 2: lines 5-8 that XSL allows for pure programming logic to be embedded inside a page’s markup, which advantageously increases design flexibility.

Claims 10-13, 26-29, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Arles Image Web Page Creator” as applied to claims 1, 18, and 34 above, and further in view of U.S. Patent No. 6,684,369 (Bernardo et al).

Referring to claims 10, 26, and 42, the Arles reference discloses on page 5 that users can fine tune images and HTML pages using one of many options or templates for full control over

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the pages. Accordingly, the Arles reference clearly teaches the ability to edit a web page. The Arles reference fails, however, to disclose providing an interface for allowing the user to preview a web page during the editing process. Bernardo, though, discloses in the abstract a method and apparatus for creating web sites without having to write HTML code by using templates. Bernardo further explains in column 7: lines 15-17 that users have the option of creating a new site or editing an existing one. In column 10: lines 5-13, Bernardo still further explains that a preview function allows the user to view the web page as it is being created or edited. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to preview and edit a web page as taught by Bernardo in combination with the web page creation invention disclosed in the Arles reference. Bernardo teaches in column 10: lines 5-13 that the preview while editing feature advantageously allows users to view their work without having to close the file and reopen it with a browser.

Referring to claims 11, 27, and 43, the teachings of the Arles reference and the Bernardo patent discussed above would, in combination, enable a user to select a different template, generate an edited web page, preview the web page, and then edit or save the web page.

Referring to claims 12, 28, and 44, the Arles reference discloses on page 6 that the image explorer allows users to view, sort, and select images to be included in the web pages. Although not completely visible in the paper version, the image explorer screenshot on page 11 includes checkboxes for each available picture, which allows the user to add or delete thumbnails to or from the web pages to be generated.

Referring to claims 13, 29, and 45, the Arles reference discloses on page 7 that custom titles and copyright labels can be added to each image.

Allowable Subject Matter

Claims 14, 30, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In combination with the claimed subject matter, the prior art does not teach or fairly suggest enabling a user to drag and drop an image onto a web page being edited and subsequently automatically generate a thumbnail image for inclusion in the web page. The closest prior art, the Arles reference discussed above, teaches on page 6 enabling a user to drag and drop images within the image explorer.

Conclusion

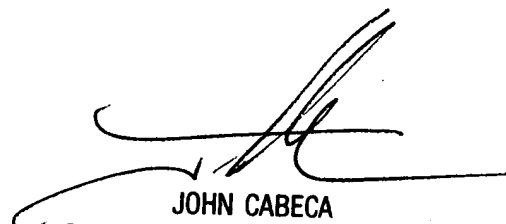
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternative thumbnail gallery creation software.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd



JOHN CABECA
SUPERVISORY PATENT EXAMINER
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